

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN ROBERT DEMOS, JR.,

Plaintiff,

v.

ROY GONZALEZ, et al.,

Defendants.

Case No. 3:24-cv-05845-RSM-TLF

ORDER ADOPTING REPORT AND  
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Judge Theresa L. Fricke, United States Magistrate Judge, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Plaintiff's proposed complaint (Dkt. 1-1, 2) is dismissed without prejudice, the *in forma pauperis* (IFP) application is denied (Dkt. 1), and this case is closed.
- (3) Plaintiff's proposed "motion to supplement the pleadings" (Dkt. 4 at 2) is denied.
- (4) Plaintiff's proposed "motion to request to take judicial notice of all proffers and exhibits" (Dkt. 4) is denied.
- (5) Plaintiff's proposed "motion to the court to request that an investigation be conducted immediately" (Dkt. 3) is denied.

- 1 (6) Plaintiff's proposed "motion to turn a 42 U.S.C. 1983 into a 28 U.S.C. 2254  
2 writ of habeas corpus to challenge unconstitutional conditions of  
3 confinement" (Dkt. 4 at 5-10) is denied.
- 4 (7) Plaintiff's proposed "motion to quash, abate, vacate, void, annul, or rescind  
5 the major infraction report" (Dkt. 6) is denied.
- 6 (8) Plaintiff's proposed "motion for reconsideration or in the alternative a notice  
7 of appeal" (Dkt. 4 at 60) related to the "anticipated ruling", plaintiff's  
8 proposed "rebuke to the R+R of the R+R of the U.S. Magistrate Judge"  
9 (Dkt. 5), and plaintiff's proposed "motion for discovery" (Dkt. 4 at 12) in  
10 response to the anticipated order of dismissal are denied without prejudice  
11 as premature.
- 12 (9) The Clerk shall provide a copy of this order to plaintiff and to Judge Fricke.

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14 Dated this 22<sup>nd</sup> day of November, 2024.

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18 RICARDO S. MARTINEZ  
19 UNITED STATES DISTRICT JUDGE  
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